IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 12th day of May 2005

Criminal Misc. Bail Application No. 103/2005

Order on the bail application of accused

CRIMINAL SIDE

Pooran Giri @ Seetu
S/o Lachchi Giri
R/o village Garhmir Pur
P.s. Ranipur
District Haridwar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No. 218/2004
U/s 304-B, 498-A of the I.P.C. read with Sections ¾ of the Dowry Prohibition Act
P.S. Ranipur
District Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Vivek Shukla learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The present-applicant is the husband of the deceased-Suman. According to the prosecution version, as F.I.R. was lodged on 30.9.2004 by Kushal Giri alleging therein that his sister Suman was married with the applicant in the month of February 2004 as per Hindu rites. It was further mentioned that on 28.9.2004 applicant alongwith her wife-Suman reached the parental house of the deceased- Suman after assaulting her. After reaching to her house, Suman told to her relatives, upon which they made her husband understand but when all the relatives of Suman went outside for some work, her husband-applicant locked her in a room and burnt her after pouring kerosene oil. Suman-deceased was completely burnt and the applicant ran away from the spot. When the complainant reached to his house, Suman was found the spot. When the complaint reached to his house, Suman was found burnt. Thereafter, she was admitted to the hospital where she died. It was also mentioned that the applicant and his family members demanded dowry immediately before the incident.

The unnatural death of the deceased –Suman took place within seven years of the marriage.The applicant has also admitted the fact with regard to the incident, date, time & place and the applicant stated

that his father-in-law and mother-in-law tried to burn him with kerosene oil and while saving his wife she received the burn injuries. Perusal of the case diary, statement recorded by the police and medical certificate reveals that the deceased-Suman sustained the injuries and it was due to the dowry demand.

Considering the facts and circumstances of the case, it is not fit case for bail. Therefore, the bail application is hereby rejected.

(**J.C.S. Rawat, J.)**

Dated 12.05.2005